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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,116	02/13/2006	Gottfried Rieger	2003P13100WOUS	5505

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SIEMENS CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
170 WOOD AVENUE SOUTH  
ISELIN, NJ 08830

EXAMINER
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KESSLER, MATTHEW E

ART UNIT	PAPER NUMBER
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2145

MAIL DATE	DELIVERY MODE
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06/04/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/568,116	<b>Applicant(s)</b> RIEGER ET AL.	
	<b>Examiner</b> Matthew E. Kessler	<b>Art Unit</b> 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 1-9, 12, 14 and 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-11, 13, and 16-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1-18 are pending.
2. Claims 1-9 were previously canceled. Claims 12, 14, and 15 are now canceled.
3. Claims 10-11, 13, and 16-18 are rejected.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 18 recites the limitation "the field bus". There is insufficient antecedent basis for this limitation in the claim. Furthermore, claim 18 is dependant upon a canceled claim 15. For the remainder of the examination the Examiner assumes the applicant intended for claim 18 to be dependant from claim 16.

Correction is required.

### ***Response to Arguments***

Applicant's arguments with respect to claims 10-11, 13, and 16-18 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 10-11, 13, and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson Patent Number 6788980 (hereinafter Johnson) in further view of Brandt et al. Patent Number 6377993 (hereinafter Brandt).

As to claim 10, Johnson teaches:

A Human-Machine-Interface (HMI) system, comprising:  
at least one mobile operating and monitoring device for controlling automation components of a technical installation (Column 1 lines 21-45 generally teach control systems. Specifically lines 33-36 teach "In other control systems, such **apparatus monitor the device**, process or system and display alarms or other indicia of its characteristics, **leaving responsibility for adjustment to the operator.**");

a radio link for wireless data transmission between the mobile operating and monitoring device and an automation component with a radio access point (Column 6 lines 4-7 teach "Apparatus 40-44 can couple with the control network directly, e.g., via bus or network connection, or indirectly, e.g., via satellite, **wireless connection** or modem connection.");

Johnson does not teach the communication connection itself being surrounded by firewalls.

However in an analogous art, Brandt teaches:

a first firewall in the mobile operating and monitoring device for securing, the radio based data transmission from the automation components with the radio access point to the mobile operating and monitoring device; and

a second firewall in the automation component with the radio access point for securing the radio based data transmission from the mobile operating and monitoring device to the automation components with the radio access point (Fig. 6 - Columns 11 and 12. Brandt teaches the use of "the present invention includes a double or complex firewall system that creates a "demilitarized zone" (DMZ) between two firewalls 55a, 55b. In the preferred embodiment, one of the firewalls 55b includes port specific filtering routers, which may only connect with a designated port address.").

Therefore it would have been obvious of one of ordinary skill in the art at the time of the invention to one of ordinary skill in the art to incorporate Brandt's DMZ double firewall security scheme into Johnson's HMI system with wireless capabilities because the advantages that Brandt's security methods provides are stated as "even if a remote user ID and password are hijacked, the only access granted is to one of the web servers 44 or to intermediate data and privileges authorized for that user." The added security benefits that Brandt's teaching provides would be obvious to include into Johnson's HMI system with wireless technology to one of ordinary skill in the art at the time of the invention.

As to claim 11:

wherein the first and second firewalls include essentially the same security procedures.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the same procedures on the firewalls, since it has been held that mere duplication of the essential working part of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

As to claim 13, Johnson further teaches:

wherein the mobile operating and monitoring device is encapsulated (In column 5 line 63 – column 6 line 7, Johnson teaches the mobile device being a laptop or handheld computer. These devices are encapsulated.).

As to claim 16 Johnson further teaches:

wherein the automation components are connected by a field bus, wherein the automation component with the radio access point is connected to the field bus (Column 2 lines 15-27 “The field devices, controllers, workstations and other components that make up a process control system typically communicate over heterogeneous media. Field devices connect with controllers, for example, over dedicated "fieldbuses" operating under proprietary or industry-specific protocols.”).

The combination of Johnson and Brandt as disclosed in claim 10 and in light of the above teaching of fieldbuses discloses the claimed invention except for the radio interface connected to the field bus. It would have been obvious to one having ordinary skill

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in the art at the time the invention was made to connect the radio interface with the field bus, since it has been held that forming in one piece an article which has formally been formed in two pieces and put together involves only routine skill in the art, especially since the idea of field buses being an industry wide effort to define a uniform protocol for communications among processor-equipped field devices.. Howard v. Detroit Stove Works, 150 U.S. 164 (1893).

As to claim 17, Johnson further teaches:

wherein the automation components include a radius server (In column 11 lines 26-37 Johnson teaches “Inter-system access is provided by a gateway device, such as **server** 47, that permits the **secure transfer of data**. This device negotiates secure access, deals with name conflicts between systems, and provides support for various physical media A pair of such devices are provided to account for situations where the source is local to the sink. In a preferred system, the server 47 or other gateway encrypts the data so that others cannot read it. Likewise, it **authenticates** message sources to verify that they are coming from a matching device. A preferred gateway minimizes the number of packet transfers so as to minimize delays over slow or high latency links. A radius server is a remote authentication dial in user service. Here we can see that a server is providing authentication services. Johnson teaches a radius server being implemented in the system.).

As to claim 18:

wherein the automation components include a radius server connected to the field bus.

The combination of Johnson and Brandt as disclosed in the previous claims teach a radius server being implemented in the system (see claim 17) but does not teach the specific limitation of the automation components include a radius server connected to the field bus. It would have been obvious to one having ordinary skill in the art at the time the invention was made to connect the radius server with the field bus, since it has been held that forming in one piece an article which has formally been formed in two pieces and put together involves only routine skill in the art, especially since the idea of field buses being an industry wide effort to define a uniform protocol for communications among processor-equipped field devices. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,



however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew E. Kessler whose telephone number is (571) 270-5005. The examiner can normally be reached on Monday through Thursday 7:00 am - 5:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571)272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MK/

/Jason D Cardone/  
Supervisory Patent Examiner, Art Unit 2145